

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 80

SENATE BILL 1128

AN ACT

AMENDING SECTION 8-291, ARIZONA REVISED STATUTES; RELATING TO JUVENILE
COMPETENCY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-291, Arizona Revised Statutes, is amended to
3 read:

4 8-291. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Clinical liaison" means a mental health expert or another
7 individual who has experience and training in mental health or developmental
8 disabilities and who is qualified and appointed by the court to aid in
9 coordinating the treatment or training of juveniles who are found incompetent
10 to stand trial. If mental retardation is an issue, the clinical liaison
11 shall be an expert in mental retardation.

12 2. "Incompetent" means a juvenile who does not have sufficient present
13 ability to consult with the juvenile's lawyer with a reasonable degree of
14 rational understanding or who does not have a rational and factual
15 understanding of the proceedings against the juvenile. AGE ALONE DOES NOT
16 RENDER A PERSON INCOMPETENT.

17 3. "Juvenile" means a person who is under eighteen years of age at the
18 time the issue of competency is raised.

19 4. "Mental health expert" means a physician who is licensed pursuant
20 to title 32, chapter 13 or 17 or a psychologist who is licensed pursuant to
21 title 32, chapter 19.1 and who is all of the following:

22 (a) Familiar with this state's competency standards and statutes.

23 (b) Familiar with the treatment, training and restoration programs
24 that are available in this state.

25 (c) Certified by the court as meeting court developed guidelines.

APPROVED BY THE GOVERNOR APRIL 10, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2006.